



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,108	01/11/2002	Timothy Matthew Bronson	0201-BRON-US	8071
7590	11/02/2004		EXAMINER	
DOROTHY S. MORSE, ESQ. 515 Park Drive, NW BRADENTON, FL 34209-1847			GREEN, CHRISTY MARIE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/044,108	BRONSON ET AL. <i>[Signature]</i>	
	Examiner	Art Unit	
	Christy M Green	3635	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 April 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5,7,9-12,14 and 16-23 is/are pending in the application.
 4a) Of the above claim(s) 6,8 and 15 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,4,5,12,20 is/are rejected.
 7) Claim(s) 2,3,7,9-11,14,16-19 and 21-23 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 1/11/02 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/29/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

This is a second office action for serial number 10/044108, entitled Valley Truss Uplift Resistance Strap with Wedge and Method of Use, filed on January 11, 2002.

Response to Amendment

In response to the examiner's office action dated September 5, 2003, the applicant has cancelled claim 13, withdrawn claims 6, 8 and 15, amended claims 1, 3, 9, 12, 16-19 and added claims 11-23.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opposing sides, the lower end, a base member, a top surface, the pitch of the roof, the top and bottommost ones of the fasteners holes within claims 1 & 12; within claim 4, one additional fastener hole; within claims 5 & 20, the (one of said – claim 20) fastener holes through the web member that is closest in proximity to the base member is laterally centered, and the remaining ones of the fastener holes through the web member; within claim 8, the taller end; within claim 13, the bottommost portion of each of the web members, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: within claims 1 and 12, it is unclear what exactly the opposing sides of the one piece strap are supposed to be, and the same for the lower end (where exactly is that referring to), a base member (is it supposed to be "30" in figure 19?), also, it is not clear what the top surface is supposed to be, is it the upper surface "28"? The terminology within the disclosure should match the terms within the claims; these few things have been noted, however it is the applicants responsibility to assure that all limitations within the claims correspond with the limitations within the disclosure.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 4, 5, 12 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 12 recites the limitation "the pitch of the roof" in line 25 of claim 1, and lines 8 of claim 12. There is insufficient antecedent basis for this limitation in the claim. It is unclear exactly what the pitch of the roof is supposed to be, since it was not previously discussed within each claim 1 and 12. Also within claim 1, recites the limitation "the top ones of said fasteners holes" in line 4, and within claim 1 and 4, "the

bottommost one of said fastener holes" in lines 5 and 6 – claim 1, and lines 21-22 of claim 4.

Claims 5 and 20, recites the limitation "the one of said fastener holes" in lines 2 and 3 of claim 5, and line 11 of claim 20, and "the remaining ones of fastener holes" in lines 3 and 4 of claim 5, and lines 13 and 14 of claim 20. There is insufficient antecedent basis for this limitation in the claim, since these limitations were not previously addressed within this claim or from its independent claim.

Claim 5 recites the limitation "the bottommost portion of each of the web members" in lines 15 and 16, and "the taller end" in line 16. There is insufficient antecedent basis for this limitation in the claim, since these limitations were not previously addressed within this claim or from its independent claim.

Allowable Subject Matter

Claims 1 and 12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 4, 5, 13, 15 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 2, 3, 7, 9-11, 14, 16-19 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7, 9-12, 14 and 16-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

(Cg)

Cg
October 28, 2004



Carl D. Friedman
Supervisory Patent Examiner
Group 3600